

**MEETING NO. 8
APRIL 19, 2007**

ERIE COUNTY LEGISLATURE

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MEETING NO. 8
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The Legislature was called to order by Chairperson Marinelli.

All members present.

An invocation was led by Lisa Daly.

The Pledge of Allegiance was led by John and Jeremy Gangloff.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meetings.

Item 3 – No minutes from previous meeting.

Item 4 - No Public Hearings.

Item 5 – MS. WHYTE moved to take Comm. 8E-19 out of order and moved for immediate consideration. MR. LOUGHRAN seconded. MS. KONST, MS. LOCKLEAR and MR. REYNOLDS voted in the negative.

CARRIED. (12-3)

RESOLUTION NO. 107

RE: Reappointment/Appointment of
Commissioner to the Erie County Water
Authority

April 17, 2007

Robert Graber
Clerk, Erie County Legislature
92 Franklin Street
4th Floor
Buffalo, NY 14202

RE: Reappointment/Appointment of Commissioner to the
Erie County Water Authority

Dear Mr. Graber:

On April 3, 2007 I informed you that a term for a Commissioner of the Erie County Water Authority expires on April 19, 2007 and requested that you send all notices required by Section 5.01 of the 2007 Rules of Order of the Erie County Legislature. You informed me that all required notices

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were distributed to the general public and each legislature in a timely manner and that interviews were conducted on April 16, 2007.

As all of the Rules were followed, I am prepared to make an appointment of a Commissioner as required by Section 1053 of the Public Authorities Law. Therefore, I hereby reappoint FRANK E. SWIATEK, 22 Ely Road, Depew, New York 14043, to fill a three year term commencing April 28, 2007 and expiring on April 27, 2010.

I have attached a Nominating Petition signed by a majority of the Democratic Caucus as required by Section 1053 of the Public Authorities Law and request Legislative confirmation of the appointment.

Thank you for your cooperation in this matter.

Sincerely Yours,

Lynn Marinelli
 Chairwoman
 Erie County Legislature

MS. WHYTE moved to amend the item. MR. RANZENHOFER seconded. MS. KONST, MS. LOCKLEAR and MR. REYNOLDS voted in the negative.

CARRIED. (12-3)

We, the undersigned, representing a majority of the members of the Democratic Party in the Erie County Legislature, do hereby nominate FRANK E. SWIATEK, 22 Ely Road, Depew, New York 14043, for appointment as Commissioner of the Erie County Water Authority, to fill a three-year term commencing April 28, 2007 and expiring on April 27, 2010.

Daniel Kozub
 1st District

Timothy M. Kennedy
 2nd District

Barbara Miller-Williams
 3rd District

Maria R. Whyte
 6th District

Betty Jean Grant
 7th District

Thomas J. Mazur
 8th District

Michele M. Iannello
 10th District

Lynn M. Marinelli
 11th District

Thomas A. Loughran
 14th District

MS. WHYTE moved to approve the item. MS. MILLER-WILLIAMS seconded.

CHAIRPERSON MARINELLI directed that a roll-call vote be taken.

AYES: MILLS, RANZENHOFER, WEINSTEIN, GRANT, IANNELLO, KENNEDY, KOZUB, LOUGHRAN, MARINELLI, MAZUR, MILLER-WILLIAMS, REYNOLDS and WHYTE. NOES: KONST, LOCKLEAR and REYNOLDS. (AYES: 12; NOES: 3)

CARRIED.

MISCELLANEOUS RESOLUTIONS

Item 6 – MR. MILLS presented the resolution Honoring Andy Scott for Being the Boys & Girls Club WNY Youth of the Year.

Item 7 – MILLS, RANZENHOFER & WEINSTEIN presented a resolution Minority Caucus Congratulates ECRC Chairman James P. Domagalski.

Item 8 – MR. WEINSTEIN presented a resolution Thanking the Dedicated Volunteers of the Amherst Museum.

Item 9 – MS. IANNELLO presented a resolution Honoring Lions Club of Grand Island as Organization of the Year by Grand Island Chamber of Commerce.

Item 10 – MS. IANNELLO presented a resolution Honoring Robert H. Miller, MD as Citizen of the Year by the Grand Island Chamber of Commerce.

Item 11 – MS. IANNELLO presented a resolution Honoring Billie Jean Harper as Citizen of the Year by the Grand Island Chamber of Commerce.

Item 12 – MS. IANNELLO presented a resolution Honoring James R. Sharpe as Recipient of the Special Chamber Award by the Grand Island Chamber of Commerce.

Item 13 – MS. IANNELLO presented a resolution Honoring Erie County Sheriff's Deputy Lt. Russell Scanio for His Work With The Law Enforcement Explorers.

Item 14 – MS. IANNELLO presented a resolution Honoring River Oaks Golf Club Named Business of the Year by the Grand Island Chamber of Commerce.

Item 15 – MS. IANNELLO presented a resolution Honoring Emerson Control Techniques as Industry of the Year by the Grand Island Chamber of Commerce.

Item 16 – MS. IANNELLO presented a resolution Honoring Carolyn Lokken as Educator of the Year by the Grand Island Chamber of Commerce.

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Item 17 – GRANT & MILLER WILLIAMS presented a resolution Honoring the Evangelistic Temple and Community Church Center, Inc. Upon Celebrating Their 85th Anniversary on April 22, 2007.

Item 18 – MR. MILLS presented a resolution Thanking Michael Schneider for His Service to the Morton's Corners Volunteer Fire Department.

Item 19 – MS. MARINELLI presented a resolution Recognizing and Congratulating James Wigdor Upon the Occasion of Achieving the Rank of Eagle Scout.

Item 20 – MR. REYNOLDS presented a resolution Recognizing 4/28/07 as Workers' Memorial Day in Erie County

Item 21 – The MAJORITY CAUCUS presented a resolution Recognizing Women's Pay Equity Day on April 24, 2007.

Item 22 – MS. MARINELLI presented a resolution Recognizing May 2007 as National Block Club Month.

Item 23 – MS. WHYTE presented a resolution Recognizing Scajaquada Creek Clean-Up.

MS. WHYTE moved to consider the above eighteen items. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above eighteen items for Et Al Sponsorship and add two resolutions. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 24 – MS. MARINELLI presented a resolution Honoring St. Joe's Jazz Band Upon Winning the 2007 Disney World High School Jazz Ensemble Competition.

Item 25 – MR. MAZUR presented a resolution Honoring James Gangloff III and Jeremy Gangloff upon Reaching the Rank of Eagle Scout Troop #470.

MS. WHYTE moved to approve the above twenty items. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 26 - CHAIRPERSON MARINELLI directed that Local Law No. 4 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

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Item 27 - CHAIRPERSON MARINELLI directed that Local Law No. 5 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 28 - CHAIRPERSON MARINELLI directed that Local Law No. 6 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 29 - CHAIRPERSON MARINELLI directed that Local Law No. 8 (Print #1) 2006 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 30 - CHAIRPERSON MARINELLI directed that Local Law No. 1 (Print #1) 2007 remain on the table and in the PERSONNEL COMMITTEE.

GRANTED.

Item 31 – CHAIRPERSON MARINELLI directed that Local Law No. 3 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 32 – MR. REYNOLDS presented the following report, moved to separate Item No. 3 and approve the balance of the report. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 108

APRIL 10, 2007

FINANCE & MANAGEMENT COMMITTEE
 REPORT NO. 6

ALL MEMBERS PRESENT. CHAIRPERSON MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby referred to the GOVERNMENT AFFAIRS COMMITTEE:
 - a. COMM. 7M-10 (2007)
 NYSAC: Comptroller Opinion on Election Chargebacks
 (5-0)

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2. RESOLVED, the following items are hereby received and filed:
- a. COMM. 1E-7 (2007)
COMPTROLLER: Erie Community College City Campus Bond Resolution
(5-0)
 - b. INTRO 6-8 (2007)
WEINSTEIN, MILLS, RANZENHOFER & LOCKLEAR: Supporting the Proposed
Changes to the NYS Real Property Tax Law
(5-0)
 - c. COMM. 6M-17 (2007)
ECFSA: Sale of Tax Liens
(5-0)
 - d. COMM. 7D-7 (2007)
BUDGET DIRECTOR: NYSAC Membership
(5-0)
 - e. COMM. 7M-14 (2007)
SENATOR STACHOWSKI & ASSEMBLYMEMBER HOYT: Sale of Tax Liens to
Xpand
(5-0)
2. INTRO 7-1 (2007)
WEINSTEIN, MILLS, RANZENHOFER & LOCKLEAR
WHEREAS, On February 15, 2007 the Erie County Legislature approved Intro. 4-1 (2007), a resolution that addressed the “STAR Programs Application in Erie County and the Role of the Local State Delegation,” and

WHEREAS, prior to the Legislatures passing of this resolution, on February 2, 2007, Senator Mary Lou Rath sponsored legislation in the New York State Senate that provided for the inclusion of sales tax revenue shared by a county with the school district in the STAR savings calculation, and

WHEREAS, Senator Rath’s proposed legislation, New York State Senate Bill # S2333, is an act that amends the New York State Real Property Tax Law, in relation to the School Tax Relief Program’s (STAR) savings calculation, and

WHEREAS, Senate Bill 2333 has been read twice and ordered printed, and when it is printed, it will be committed to the Committee on Local Government for further review and consideration, and

WHEREAS, This bill has been amended to include Senators Dale M. Volker, Serphin R. Maltese, James S. Alesi, John A. DeFrancisco, George D. Maziarz, Michael F. Nozzolio, and Joseph E. Robach, and if approved, this legislation will have a tremendous tax relieving impact on Western New Yorkers, and

WHEREAS, Assemblyman Robin Schimminger has sponsored a corresponding bill (A06485) in the New York State Assembly.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body goes on record supporting New York State Senate Bill 2333, sponsored by Senators Rath, Alesi, Maltese, and Volker, and New York State Assembly Bill 06485 sponsored by Assemblyman Schimminger that provides for the inclusion of sales tax revenue shared by a county with the school district in the STAR savings calculation, and be it further

RESOLVED, that a certified copy of this resolution be forwarded to the Honorable Eliot Spitzer, Governor of the State of New York, the Honorable Sheldon Silver, Speaker of the New York State Assembly, the Honorable Joseph L. Bruno, Majority Leader of the New York State Senate, the Honorable New York State Senators Mary Lou Rath, Dale M. Volker, James. S. Alesi, and Serphin R. Maltese, the entire local state delegation, to members of the Legislative branch serving in Monroe, Westchester, Onondaga, and Wayne Counties.
 (5-0)

3. COMM. 7E-11 (2007)

COUNTY EXECUTIVE

WHEREAS, medical research is an important component of economic development of the life sciences industry in Erie County, and

WHEREAS, the Hauptman-Woodward Research Institute is in need of funding that is not currently designated in the 2007 Erie County budget.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is provided to fund this request, in the amount of \$45,000, as designated from the available balance in the 2006 Arts & Cultural Tourism Development and Marketing cost center, to be expropriated into 2007, and be it further

RESOLVED, that, pursuant to this legislation, the County Executive be authorized to enter into contract in the amount of \$45,000 with the Hauptman-Woodward Research Institute, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this Resolution to the Director of the Division of Budget, Management and Finance; the Commissioner of the Department of Environment and Planning; the County Attorney; the Comptroller; and the County Executive.
 (5-0)

ROBERT B. REYNOLDS, JR.
CHAIRPERSON

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MR. REYNOLDS moved for the approval of Item No. 3. MR. KENNEDY seconded. MR. RANZENHOFER, MR. WEINSTEIN and MS. IANNELLO voted in the negative.

CARRIED. (12-3)

Item 33 – MS. KONST presented the following report and moved for immediate consideration and approval. MS. LOCKLEAR seconded. MS. IANNELLO and MR. RANZENHOFER voted in the negative.

CARRIED. (13-2)

RESOLUTION NO. 109

APRIL 10, 2007

PERSONNEL COMMITTEE
 REPORT NO. 5

ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby received and filed.
 - a. COMM. 4E-4 (2007)
COUNTY EXECUTIVE: Appointment of the Commissioner of the Office of Advocacy (4-0)
2. COMM. 4E-13 (2007)
COUNTY EXECUTIVE
 WHEREAS, the Erie County Legislature has appropriated funds for the Heating and Energy Assistance Program (HEAP) for the period January 1, 2007 to December 31, 2007, and

 WHEREAS, the Department in concert with Senior Services has restructured HEAP program operations into a single governance structure under the leadership of one (1) Director, and

 WHEREAS, savings from this restructuring will be used to upgrade a full time Energy Crisis Worker III (job group 8) position to a full time Energy Crisis Worker IV (job group 9) position, effective March 1, 2007, and

 WHEREAS, this will allow comparable titles and job grades to support the Senior Services and Social Services teams operating under the leadership of the HEAP Director, and

 WHEREAS, this change is also consistent with a recently adopted legislative resolution upgrading a position in the Department of Senior Services, and

 WHEREAS, this position adjustment is reflected in the SAP system on B-100 position authorization form, control number 2788, and

 WHEREAS, the HEAP grant has sufficient funds in the Personal Services line for the above-mentioned personnel adjustments, and

WHEREAS, there is no fiscal impact to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that an Energy Crisis Worker III (job group 8) position be deleted in the HEAP grant effective March 1, 2007, and be it further

RESOLVED, that an Energy Crisis Worker IV (job group 9) position be created in the HEAP grant effective March 1, 2007, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of the Department of Social Services, the Commissioner of the Department of Senior Services, the Commissioner of Personnel, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance.

(4-0)

3. COMM. 6E-12 (2007)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Home Delivered Meal Program (III-C-2) for the period January 1, 2007 to December 31, 2007, and

WHEREAS, the Department of Senior Services (Department) allocated a portion of the III-C-2 funds to contract with a dietician consultant to provide nutrition assessment, education and counseling services to nutrition program participants, and

WHEREAS, the dietary consultant will not renew the contract for 2007, and

WHEREAS, the Department reviewed the Nutrition Program requirements under the Older Americans Act and has determined that it would be substantially more cost effective to contract with a dietetic technician at \$20 an hour rather than with a Dietician Consultant at \$27 an hour, while still meeting the dietary education and counseling requirements, and

WHEREAS, the Department has received approval from the Department of Personnel for the \$20 hourly rate, and

WHEREAS, the Department desires to contract with a qualified dietetic technician to provide nutrition education and counseling services during the period April 1, 2007 to December 31 2007, at a cost not to exceed \$15,000, and

WHEREAS, sufficient funds are already appropriated under Professional Fees and Services, account 526020, in the III-C-2 grant.

NOW, THEREFORE, BE IT

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RESOLVED, that the County Executive be and is hereby authorized to enter into a contract with a qualified dietetic technician for the period April 1, 2007 to December 31, 2007, at an amount not to exceed \$15,000, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget, Management and Finance, the County Attorney's Office, the Comptroller's Office, and the Departments of Personnel and Senior Services.
 (4-0)

4. COMM. 7E-23 (2007)

COUNTY EXECUTIVE

WHEREAS, funds are available in the Department of Central Police/Emergency Services personnel lines, in the position of Part Time Fire Instructor, and

WHEREAS, the position of Laborer part-time is expiring from a New York State Fire Training Grant, and

WHEREAS, this position is needed to keep the 3 existing fire training facilities cleaned before the next fire training evolution is started, and

WHEREAS, there is a Part-Time Fire Instructor's position vacant, Job Group 3, 19 hours per week at the rate of \$11.115 per hour which will be 100% county funded.

NOW, THEREFORE, BE IT

RESOLVED, that the Department of Central Police/Emergency Services is authorized to transfer the position of Laborer part-time from the grant 167FIRETRAIN0506 to the Operating Fund (B-100 #2851) at a cost not to exceed \$8,100, and be it further

RESOLVED, that there are existing funds available in the Part-time Wages account #500010 to fund the position, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Division of Budget, Management and Finance, the Office of the Comptroller, the Department of Personnel and the Department of Central Police/Emergency Services.
 (4-0)

KATHY KONST
CHAIRPERSON

Item 34 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 110

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APRIL 12, 2007

HUMAN SERVICES COMMITTEE
REPORT NO. 6

ALL MEMBERS PRESENT.

1. COMM. 7E-15 (2007)
COUNTY EXECUTIVE

WHEREAS, it is critical that the Department Social Services implement progressive methodologies to improve workfare participation among clients as severe fiscal penalties may be incurred in the event that a sufficient proportion of clients are not engaged in work activities of up to 35 hours per week, and

WHEREAS, the measurement and documentation of individual client participation is necessary in order to meet this need, and

WHEREAS, the Department has conducted a Request for Proposals (RFP) to identify a contractor to install a custom case tracking software package on the existing local computer network, and

WHEREAS, there were two responses to the Department's RFP, and Salient Corporation was selected in a blind scoring review based on their experience and the quality of their technical proposal in meeting the Department's needs, and

WHEREAS, this software will provide the Department real-time access to data, including activity reporting specific to individual clients as well as outcome measurements specific to individual counselor staff, and

WHEREAS, this data is to be used to address client workfare assignment participation attendance and also other data such as appointment tracking, disability monitoring, counseling compliance and daycare related activity, and it will also be possible to evaluate performance of clients within specific worker caseloads to enable the replication of best practices among Department staff, and

WHEREAS, the intent of this contract is to use Salient for case management tracking for a one to three year period as well as a prototype system to further expand the use of the existing SAP data warehouse capacity, and

WHEREAS, the contractor has agreed to work with Department staff for eventual migration of the case management software product to the SAP environment, and

WHEREAS, Salient has already invested in substantial research and development in analysis of the State data warehouse, and this information is critical for the production of this system and can be used by SAP for an in-house product, and

WHEREAS, this contract is to be funded with 100 percent Federal funds from the Flexible Fund for Family Service (FFFS) allocation, and there is no County share impact.

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NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are hereby authorized in the 2007 Adopted Budget:

Department of Social Services, Department 120, Fund 110

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
516020	Professional Service Contracts and Fees	<u>\$154,000</u>
	Total Expenditure	<u>\$154,000</u>
411490	Federal Aid - Flexible Fund for Family Services	<u>\$154,000</u>
	Total Revenue	<u>\$154,000</u>

and be it further

RESOLVED, that the County Executive and/or the Commissioner of Social Services are authorized to enter into a contract with Salient Corporation for the purchase and installation of a case tracking software package, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of the Department of Social Services, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance.

(4-0)

2. COMM. 7E-17 (2007)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Congregate Dining Program (III-C-1) for the period January 1, 2006 to December 31, 2006 and the Congregate Services Initiative Program (CSI) for the period April 1, 2007 to March 31, 2008, and

WHEREAS, the Department has reviewed the budgets and actual costs of carrying out each program's objectives, and

WHEREAS, the Department has contracted with both Hispanos Unidos de Buffalo, Inc. (HUB) and Los Tainos Senior Center to provide congregate activities under the CSI grant, and

WHEREAS, the two agencies are combining programming in an effort to provide better services to seniors in the Hispanic community, under the administrative lead of HUB, and

WHEREAS, the Department desires to amend the contract with the HUB to include the funds originally reserved for Los Tainos for congregate programming, and

WHEREAS, as part of 2006 year end activities, the Comptroller's Office allocated additional fringe benefit charges to our department based on the reconciliation of actual county costs to payroll charges, which resulted in the III-C-1 grant needing to be revised, and

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WHEREAS, the County budgets for these grants and programs are in need of revision.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to amend the CSI contract with HUB by the amount detailed herein, and be it further

RESOLVED, that the budget for the III-C-1 grant, 163III-C-12006, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
APPROPRIATIONS				
Account	Description			
502000	Fringe Benefits	\$207,340	\$15,035	\$222,375
516020	Professional Services & Fees	1,247,138	<u>-15,035</u>	1,232,103
	TOTAL CHANGE		<u><u>\$0</u></u>	

and be it further

RESOLVED, that the budget for the CSI grant, 163CSI0708, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
APPROPRIATIONS				
Account	Description			
516010	Los Tainos	\$5,000	-\$5,000	\$0
516010	HUB	29,815	<u>5,000</u>	34,815
	TOTAL CHANGE		<u><u>\$0</u></u>	

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office; the Division of Budget, Management and Finance; the County Attorney's Office; the Comptroller's Office and the Department of Senior Services.

(4-0)

THOMAS J. MAZUR
CHAIRMAN

Item 35 – MR. KENNEDY presented the following report and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 111

APRIL 12, 2007

ECONOMIC DEVELOPMENT COMMITTEE
 REPORT NO. 7

ALL MEMBERS PRESENT EXCEPT LEGISLATOR REYNOLDS. LEGISLATOR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 6D-3 (2007)
PUBLIC WORKS: Comm. 18E-11 (2006) – Ticor Building Renovations for County Attorney’s Office
 (4-0)

2. INTRO 7-8 (2007) **AS AMENDED**
MARINELLI, WHYTE, KOZUB, GRANT, KENNEDY, REYNOLDS, MILLS, IANNELLO & MILLER-WILLIAMS

WHEREAS, TOPS Markets has a long history in Western New York. It was founded in Buffalo by Niagara Frontier Services (NFS), a locally owned company, nearly forty-five years ago and transformed from a small chain of grocery stores to a regional leader in the grocery marketplace with 65 TOPS Markets, 50 Wilson Farms stores and 15 B-Kwik Food Stores, employing 7,000 associates. Not only did TOPS open new stores in Western New York, but it also entered into the Rochester and Southern Pennsylvania market places as well; and

WHEREAS, in 1983, SB Investors, a private, New York-based investment group, purchased NFS. The next year, TOPS Markets introduced Western New York shoppers to direct debit service, Instabank ATMs and the first CarryOut Café. It was also the year that TOPS won the first of eight “Golden Penguin Awards” from the National Frozen Food Association; and

WHEREAS, by 1991, TOPS Markets had grown to 145 total stores with 11,000 employees. It was acquired during 1991 by Royal Ahold N.V., a major international food retailer based in the Netherlands. The same year, the first TOPS International Super Center opened in Amherst. At the time of the opening, the 112,000 square foot store was the largest in Western New York, and boasted the biggest in-store bakery in the entire U.S.; and

WHEREAS, since being purchased by Royal Ahold N.V., TOPS has continued to be a commendable corporate citizen in Erie County and is the epitome of what corporations should strive for in terms of employee relations and civic involvement; and

WHEREAS, TOPS Markets has a long history of favorable employee relations and has a positive relationship with the United Food and Commercial Workers Unions; and

WHEREAS, TOPS Markets, through collective bargaining agreements with Local One of the United Food and Commercial Workers, provides its employees with living wages, a fair pension plan, health benefits, opportunities for job advancements and scholarships to pursue higher education; and

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WHEREAS, Ahold currently owns 72 TOPS Markets in New York and Pennsylvania and employs thousands of people in its stores; and

WHEREAS, in November 6, 2006 Royal Ahold announced that it intended to sell TOPS Markets, and in the past four months has been engaged in a careful search for a buyer.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature recognizes that TOPS Markets provides much-needed competition in the supermarket industry and helps to keep the costs of groceries competitive in Western New York; and be it further

RESOLVED, that the Erie County Legislature recognizes that TOPS Markets is the sole supermarket in many areas of Western New York and that the loss of a supermarket in such an area would have a detrimental impact on the community; and be it further

RESOLVED, that the Erie County Legislature recognizes that TOPS Markets, through collective bargaining agreements with Local One of the United Food and Commercial Workers, provides its employees with living wages, a fair pension plan, health benefits, opportunities for job advancements and scholarships to pursue higher education; and be it further

RESOLVED, that the Erie County Legislature does hereby request Royal Ahold seek a single buyer willing to buy all 72 of its stores, utilize all of its organized employees in their current capacity and recognize the current collective bargaining agreement; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Royal Ahold (Piet Heinkade 167-173, 1019 GM Amsterdam, The Netherlands), TOPS Markets LLC (PO Box 1027, Buffalo, NY 14240-1027) and United Food & Commercial Workers Local One (UFCW Local One, 190 Lawrence Bell Drive, Suite 150, Williamsville, New York 14221).
 (4-0)

3. COMM. 7E-29 (2007)

COUNTY EXECUTIVE

WHEREAS, the County of Erie is obligated to provide \$5M in Capital Maintenance to Dunn Tire Park pursuant to an Agreement between the County of Erie, City of Buffalo and Buffalo Bisons; and

WHEREAS, the Buffalo Bisons have requested the County complete the remaining capital projects this year; and

WHEREAS, on February 14, 2006 your Honorable Body authorized the County Executive to enter into an agreement with the consulting firm of Greenman-Pedersen, Inc. for County projects; and

WHEREAS, it is now desired to start design work for the 2007 capital projects at Dunn Tire Park for completion this year.

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NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works be authorized to issue amendment to the existing agreement with Greenman-Pedersen, Inc. to design and prepare contract documents for the 2007 projects for an amount not to exceed \$25,000.00; and be it further

RESOLVED that the unused appropriations from SAP project –2003 Zoo Sea Otter, A.09022, be transferred to the Dunn Tire Park capital SAP project, 2003 Dunn Tire Park Renovations, A.09019, in an amount not to exceed \$309,268.42 to fully fund the County's obligation to Dunn Tire Park; and be it further

RESOLVED, that the budgeted appropriations and revenues in SAP Projects 2003 Dunn Tire Park Renovations, A.09019, be increased by \$309,268.42 to fully fund the County's obligation to Dunn Tire Park; and be it further

RESOLVED, that the Comptroller be authorized to make payment for the above from SAP project – 2003 Dunn Tire Park, A.09019 for an amount not exceed \$25,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each of the County Executive, the Division of Budget, Management and Finance, and the Office of the Comptroller.
 (4-0)

TIMOTHY M. KENNEDY
CHAIRMAN

Item 36 – MS. WHYTE presented the following report, moved to separate Item No. 4 and approve the balance of the report. MR. KENNEDY seconded. MS. KONST voted in the negative.

CARRIED. (14-1)

RESOLUTION NO. 112

APRIL 12, 2007

GOVERNMENT AFFAIRS COMMITTEE
 REPORT NO. 6

ALL MEMBERS PRESENT EXCEPT LEGISLATOR WEINSTEIN. LEGISLATOR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are referred to the HEALTH COMMITTEE:
 - a. COMM. 7D-1 (2007)
COUNTY ATTORNEY: Transmittal of New Claims Against Erie County
 (4-0)
 - b. COMM. 7D-3 (2007)
COUNTY ATTORNEY: Transmittal of New Claims Against Erie County

(4-0)

2. RESOLVED, the following items are hereby received and filed:

a. COMM. 17E-26 (2007)

DISTRICT ATTORNEY: Confidential Criminal Investigator-12
 (3-1) Legislator Kennedy in the negative.

b. COMM. 3M-7 (2007)

BUFFALO-NIAGARA FRAMEWORK FOR REGIONAL GROWTH: Final Report -
 2006
 (4-0)

c. COMM. 4E-3 (2007)

COMPTROLLER: Reply to INTRO 3-10 - Unclaimed Funds by the NYS Comptroller
 (4-0)

d. COMM. 4M-5 (2007)

ECWA: Reply to INTRO 3-10 - Unclaimed Funds by the NYS Comptroller
 (4-0)

e. COMM. 6M-5 (2007)

ASSOCIATE JUDGE EUGENE F. PIGOTT: Copy of Letter to County Attorney Re:
 Court of Appeals Lease
 (4-0)

f. COMM. 6M-19 (2007)

ASSOCIATE JUDGE EUGENE F. PIGOTT Lease of Space for Court of Appeals
 Chambers
 (4-0)

g. COMM. 7M-1 (2007)

JUDGE EUGENE F. PIGOTT, JR.: Comm. 5E-21 (2007) - Lease of Space for Court of
 Appeals Chambers
 (4-0)

3. INTRO 3-12 (2007)

AS AMENDED

WHYTE, MARINELLI, KONST, KENNEDY, MILLS and LOCKLEAR

WHEREAS, Erie and Niagara Counties have experienced flat or decreasing population levels
 for several decades; and

WHEREAS, during this time of stagnant or shrinking population levels Erie and Niagara
 Counties has shifted their populations outside of traditional City and Town Centers to areas
 traditionally used for agriculture; and

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WHEREAS, Erie and Niagara Counties have experienced scattered development that has resulted in residential and commercial development activity taking place on farm land which resulted in a 28% decrease in the percentage of land used for farming; and

WHEREAS, this scattered development has lead to a disinvestment in urban areas, older suburban areas and town and village centers; and

WHEREAS, these development patterns have added costs to all residents and led to significantly higher operating costs for towns and villages throughout Erie and Niagara Counties with no corresponding increase in services; and

WHEREAS, one way to normalize the development patterns in Erie and Niagara Counties is to develop regional growth and development plans; and

WHEREAS, the elected leadership of Erie and Niagara Counties have been working together since 2002 to develop a regional growth plan; and

WHEREAS, a bi-County Steering Committee, comprised of 16 members, began meeting in 2002 to discuss and develop a regional growth plan; and

WHEREAS, the Steering Committee developed a regional development plan entitled *A Framework for Regional Growth*; and

WHEREAS, the *Framework for Regional Growth* will serve as an important tool to inform County officials, local governments, private developers and the citizenry when making development decisions within the region; and

WHEREAS, several local organizations including the Local Initiative Support Corporation, the League of Women Voters, Campaign for Livable WNY and the Buffalo Niagara Partnership have endorsed the *Framework for Regional Growth*; and

WHEREAS, the *Framework for Regional Growth* must be approved by the Erie County Legislature prior to its enactment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature recognizes the importance of regional development strategies and will expeditiously consider the *Framework for Regional Growth*; and be it further

RESOLVED, that the Erie County Legislature invites participants in the bi-County Steering Committee to the next meeting of the Government Affairs Committee of the Erie County Legislature to discuss the *Framework for Regional Growth*; and be it further

RESOLVED, that the Erie County Legislature invites representatives from Local Initiative Support Corporation, the League of Women Voters, Campaign for Livable WNY and the Buffalo

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Niagara Partnership to the next meeting of the Government Affairs Committee of the Erie County Legislature to discuss the *Framework for Regional Growth*; and be it further

RESOLVED, that a certified copy of this Resolution be sent to the Erie County Executive and the bi-County Steering Committee.

(4-0)

4. COMM. 3E-35 (2007)

COUNTY EXECUTIVE

WHEREAS, the Erie and Niagara County region is experiencing numerous challenges affecting the area's physical development including

1. Disconnect between declining population and expansion of urbanized area
2. Disinvestment in older urban areas
3. Loss of farmland and open space
4. Sixty-four local government plans

and

WHEREAS, the Erie and Niagara County region last prepared a comprehensive planning document in 1974; and

WHEREAS, Erie County Executive Joel A. Giambra and Niagara County Legislative Chairman Bradley E. Erck signed a joint Mission Statement on April 23, 2002, committing both Counties to embark on a Framework for Regional Growth; and

WHEREAS, said Framework was completed in October 2006 under the guidance of a sixteen-member bi-County Steering Committee and financed by Erie County, Niagara County, Buffalo-Niagara Partnership, and the Erie County Industrial Development Agency; and

WHEREAS, the Framework report will serve as an important tool for County officials when making decisions affecting physical development within the region; and

WHEREAS, The Framework report will serve to inform local governments, private developers, and the general public regarding the Counties' policies concerning physical development within the region.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby adopts the Framework for Regional Growth dated October, 2006 as the primary County planning document within Erie County; and be it further

RESOLVED, that the Erie County Legislature shall undertake actions affecting physical development in the region in a manner that is consistent with the principles, policies, and action strategies described in the Framework; and be it further

RESOLVED, that certified copies of this resolution should be forwarded to the County Executive; the Chairman of the Niagara County Legislature; the Director of the Division of Budget,

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Management, and Finance; the County Comptroller; the County Attorney; and the Commissioner of the Department of Environment and Planning.

(4-0)

5. COMM. 5E-21 (2007)

COUNTY EXECUTIVE

WHEREAS, in the Fall of 2006, Eugene F. Pigott, Jr., a Justice elected to the New York State Supreme Court in the Eighth Judicial District and resident in Erie County, was elevated from the Appellate Division, Fourth Department, to the Court of Appeals of the State of New York; and

WHEREAS, the New York State Judiciary Law requires the County in which an Associate Judge of the Court of Appeals is resident to provide local chambers for that Judge; and

WHEREAS, Judge Pigott has presented the County with a two year lease, with options for extension, for local chambers that meet his requirements and those of his staff and satisfy the many specifications of the New York State Office of Court Administration; and

WHEREAS, it is necessary to approve the County's entry into the lease with Main Court LLC, the landlord, and to allow certain budget transfers that are necessary in order to make funds available in the budget of the Department of Public Works for the payment of the monthly rent.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the County's entering into a lease agreement with the landlord proposed by Judge Pigott and the Office of Court Administration, Main Court LLC, a lease for two (2) years that may be extended for three (3) additional periods of six (6) months; and be it further

RESOLVED, that the Erie County Legislature does hereby authorize the following budget transfer to facilitate the payment of the monthly rent for Judge Pigott's chambers:

Division of Buildings and Grounds – Fund Center 12210		
Expense		Increase
545000	Rental	\$ 72,530
County Wide Budget Accounts – Fund Center 14010		
		Decrease
511000	Control Board Expense	\$ 72,530
	Net Change	0

and be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Division of Budget, Management and Finance, the Office of the County Executive, the Office of the Comptroller, the Department of Public Works and the Department of Law.

(4-0)

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6. INTRO 6-10 (2007)

WHYTE, MARINELLI, MILLS and LOCKLEAR

WHEREAS, in the Fall of 2006, Eugene F. Pigott, Jr., a Justice elected to the New York State Supreme Court in the Eighth Judicial District and resident in Erie County, was elevated from the Appellate Division, Fourth Department, to the Court of Appeals of the State of New York; and

WHEREAS, it is an honor to have a Supreme Court Judge from the Eighth Judicial District to be selected to serve as one of seven members on the highest court in New York State; and

WHEREAS, the New York State Judiciary Law, Section 55, requires the County in which an Associate Judge of the Court of Appeals is resident to provide the Justice "suitable and commodious offices;" and

WHEREAS, Judge Pigott has presented the County with a two-year lease, with options for extension, for local chambers that meet his requirements and those of his staff and satisfy the many specifications of the New York State Office of Court Administration; and

WHEREAS, as the Court of Appeals serves every citizen of New York State, there is no sound policy reason to push the cost associated with maintaining a Court of Appeals office solely upon the taxpayers of Erie County; and

WHEREAS, after extensive review of the current law, the Erie County Legislature recognized that it has a statutory obligation to pay for the local office of a Court of Appeals Justice.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature objects to Section 55 of the Judiciary Law which forces County Government to bear the cost of maintaining a local office for a Court of Appeals Justice; and be it further

RESOLVED, that the Erie County Legislature believes that the cost of maintaining a local office for a New York Court of Appeals Judge should be solely born by the Office of Court Administration, or another State body; and be it further

RESOLVED, that the Erie County Legislature does call on the Governor and the New York Senate and Assembly to immediately introduce and approve legislation amending Section 55, New York State Judiciary Law, and freeing County Governments of the cost of maintaining offices for Court of Appeals Judges; and be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Office of the Governor, the members of the Western New York legislative delegation of the New York State Legislature, the New York State Office of Court Administration, Office of the County Executive, the Erie County Fiscal Stability Authority and the County Attorney.

(4-0)

7. COMM. 6E-22 (2007)

COUNTY EXECUTIVE

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WHEREAS, the Erie County Division of Information and Support Services needs to retain a Consultant to provide services for Project Preparation and Business Blueprint Development Services SAP Plant Maintenance Implementation; and

WHEREAS, proposals were advertised for, and received, and a professional services selection process completed in accordance with Section 19.08 of the Erie County Administrative Code; and

WHEREAS, the Divisions of Information and Support Services and Sewerage Management have recommended the firm of New Dimension Solutions, 734 Franklin Avenue, #514, New York, Garden City, New York 11530.

NOW, THEREFORE, BE IT

RESOLVED, that the consulting firm of New Dimension Solutions be retained at a cost not to exceed \$290,000.00; and be it further

RESOLVED, that the County Executive, be and hereby is, authorized to execute an Agreement with the firm of New Dimension Solutions, 734 Franklin Avenue, #514, New York, Garden City, New York 11530, to provide the needed consulting services subject to approval as to form by the County Attorney's Office and approval as to content by the Director of the Division of Information and Support Services and Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of the resolution to Joseph Gervase, Director, Division of Information and Support Services, two (2) certified copies of the Resolution to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning, and one (1) certified copy each to the County Executive, Erie County Comptroller; Gregory Dudek, Assistant County Attorney; and to the Director of Budget, Management and Finance.
(3-1) Legislator Marinelli voted in the negative.

MARIA R. WHYTE
CHAIRPERSON

MS. WHYTE moved to approve Item No. 4. MR. MAZUR seconded.

CHAIRPERSON MARINELLI directed that a roll-call vote be taken.

AYES: MILLS, RANZENHOFER, WEINSTEIN, GRANT, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, MILLER-WILLIAMS, REYNOLDS and WHYTE. NOES: none.

CARRIED. (15-0)

Item 37 – MR. LOUGHRAN presented the following report and moved for immediate consideration. MR. KOZUB seconded.

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CARRIED UNANIMOUSLY.

RESOLUTION NO. 113

APRIL 16, 2007

ENERGY & ENVIRONMENT COMMITTEE
 REPORT NO. 7

ALL MEMBERS PRESENT. CHAIRMAN MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 7E-25 (2007)
COUNTY EXECUTIVE: Award of Contract – ECSD No. 3 – Boston State Road Sanitary Sewer Extension
 (5-0)
2. INTRO 7-10 (2007)
REYNOLDS
 BE IT RESOLVED, that the Clerk of the Legislature be directed to hold a Public Hearing on May 16, 2007 at 8:00 p.m. at Eden Town Hall, 2795 East Church Street, Eden, NY 14057-1280 concerning the 2006 30-day open period requests for inclusion into an agricultural district; and be it further

RESOLVED, that the Clerk of the Legislature be directed to publish a public notice in a newspaper having general circulation within the involved Towns, that notice be posted in at least five conspicuous places within the districts, and that notice also be sent to the affected municipalities, being the Towns of Colden, Boston, Collins, Aurora and Eden and to the citizen petitioners; and be it further

RESOLVED, that 2 Certified copies of this resolution be sent to the Erie County Department of Environment and Planning, and one certified copy to the Town Supervisors and Clerks of Colden, Bosto, Collins, Aurora and Eden.
 (5-0)
3. COMM. 7E-20 (2007)
COUNTY EXECUTIVE
 WHEREAS, the Department of Environment and Planning, Division of Sewerage Management has submitted to the New York State Department of Environmental Conservation projects for their review and approval; and

WHEREAS, the New York State Department of Environmental Conservation requires review and approval of all plans for future wastewater improvement projects; and

WHEREAS, the Department of Environment and Planning, Division of Sewerage Management cannot proceed with projects without authorization and approval from the New York State Department of Environmental Conservation; and

WHEREAS, the Department of Environment and Planning, Division of Sewerage Management has submitted the following projects to the New York State Department of Environmental Conservation for approval:

	<u>Date of Submittal To NYSDEC</u>
- Facilities Report Southtowns Advanced Wastewater Treatment Facilities Southtowns Advanced Wastewater Treatment Facilities Report – Addendum 1	3/01
- Erie County Southtowns Sewage Treatment Agency Wastewater Treatment Plant Outfall Evaluation Report	7/04
- Elimination of Pumping Stations and Blasdell Wastewater Treatment Plant	2/05
- Southtowns Advanced Wastewater Treatment Facilities Capacity Re-Rating	8/05
- Facilities Report Southtowns Advanced Wastewater Treatment Facilities Southtowns Advanced Wastewater Treatment Facilities Report – Addendum 2	8/05
- Basis of Design Southtowns Advanced Wastewater Treatment Facilities Phase II Expansion	8/05
- Southtowns Sewage Treatment Agency Advanced Wastewater Treatment Facilities Chlorine Contact Time and Overflow Retention Facility Capacity Evaluation	10/05
- Lake Street/Point Breeze	11/06

and

WHEREAS, the New York State Department of Environmental Conservation has delayed the approval of these projects; and

WHEREAS, further delay in the approval of these projects will continue to result in escalation of project cost which will continue to be incurred by Erie County ratepayers; and

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WHEREAS, the environmental benefit of these projects will not be realized without New York State Department of Environmental Conservation's approval.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie formally supports the Department of Environment and Planning, Division of Sewerage Management in requesting that the New York State Department of Environmental Conservation approve these projects by May 1, 2007; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each of the resolution to the Director of the New York State Department of Environmental Conservation, Region 9 and the Commissioner of the New York State Department of Environmental Conservation, Albany Office, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each of the resolution to the County Executive, the Erie County Comptroller, the Director of Budget, Management and Finance, Gregory Dudek, Assistant County Attorney; and two (2) certified copies to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning.
 (5-0)

4. COMM. 7E-21 (2007)

COUNTY EXECUTIVE

WHEREAS, the New York State Department of Economic Development (NYSDED) provides grant assistance to implement pollution prevention technical assistance initiatives; and

WHEREAS, the NYSDDED has solicited a proposal from Erie County for participation in the Environmental Investment Program; and

WHEREAS, the Erie County Department of Environment and Planning (DEP) developed and submitted a proposal for funding from NYSDDED to continue and expand a Pollution Prevention Technical Assistance Program; and

WHEREAS, the NYSDDED granted approval of the application allocating funding of \$230,501 over two years for a Pollution Prevention, Reuse and Recycling Technical Assistance Program to be implemented in Erie County; and

WHEREAS, the new grant resources would enable the Department of Environment and Planning to continue to employ the services of an existing Environmental Compliance Specialist (JG 12) position; and

WHEREAS, the required County match will be met through overhead and in-kind expense contributions.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into the necessary agreements with the NYSDDED to accept and implement the Pollution Prevention, Recycling and Reuse

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Technical Assistance Program in an amount not to exceed \$230,501 in grant resources; and be it further

RESOLVED, that the revenue from the Pollution Prevention Technical Assistance Program is hereby appropriated in the grant as follows:

REVENUE:

409000	State Aid – New York State Department of Economic Development	\$230,501
TOTAL REVENUE		\$230,501

APPROPRIATIONS:

500000	Personnel Services	\$126,000
502000	Fringe Benefits	\$51,849
510000	Local Travel and Mileage	\$2,152
510100	Out-of-Area Travel	\$500
516020	Professional Services	\$50,000
TOTAL APPROPRIATIONS		\$230,501

and be it further

RESOLVED, that the following position will be transferred from the Erie County Pollution Prevention Technical Assistance Grant (162PP_ASSIST0406):

Environmental Compliance Specialist Position (JG-12)
 B-100 No. 2856
 Budgeted Annual Salary: \$47,741

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget, Management and Finance; Andrew M. Eszak, AICP, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the Commissioner of Personnel; the County Comptroller; and the County Attorney.

(5-0)

5. COMM. 7E-24 (2007)

COUNTY EXECUTIVE

WHEREAS, the Towns of Amherst, Tonawanda, and Cheektowaga, including the Villages located therein, and Erie County receive over \$6,000,000 annually in federal Community Development Block Grant funds; and

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WHEREAS, an important element for receiving federal funds is an Analysis of Impediments to Fair Housing Choice within recipient municipalities; and

WHEREAS, the aforementioned local governments and Erie County are desirous of conducting a joint Analysis of Impediments to Fair Housing Choice consistent with federal guidelines; and

WHEREAS, based on results from a Request for Proposal process conducted by the Department of Environment and Planning, the County Executive is desirous of executing a contract for an amount not to exceed \$58,000 with the Research Foundation of the State University of New York and \$15,000 with Housing Opportunities Made Equal Inc. (HOME); and

WHEREAS, funds for the Analysis will be federal Community Development Block Grant (CDBG) monies available to each municipality with contributions shown as follows:

- \$40,000 – Erie County
- \$11,000 – Town of Amherst
- \$11,000 – Town of Tonawanda
- \$11,000 – Town of Cheektowaga
- \$73,000 – Total; and

WHEREAS, the Erie County Legislature authorized the County Executive to execute contracts with the municipalities noted above and the Research Foundation of the State University of New York on October 12, 2006; and

WHEREAS, due to revisions to the original revenue and expense estimates a new authorizing resolution is required.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a contract with the Research Foundation of the State University of New York in an amount not to exceed \$58,000 for the purpose of carrying out portions of an Analysis of Impediments to Fair Housing Choice within those municipalities comprising the Erie County Block Grant Consortium, Towns of Amherst, Cheektowaga, and Tonawanda and Villages therein; and be it further

RESOLVED, that the County Executive is hereby authorized to execute a contract with Housing Opportunities Made Equal Inc. (HOME) for an amount not to exceed \$15,000 for the purpose of carrying out portions of an Analysis of Impediments to Fair Housing Choice within those municipalities comprising the Erie County Block Grant Consortium, Towns of Amherst, Cheektowaga, and Tonawanda and Villages therein; and be it further

RESOLVED, that the County Executive is further authorized to execute contracts with the Towns of Amherst, Tonawanda, and Cheektowaga for the purpose of receiving \$11,000 from each municipality for completion of said Analysis; and be it further

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RESOLVED, that \$40,000 in Erie County CDBG monies is available in SAP Account J.00506.1.8 for said Analysis; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive; the Commissioner of the Department of Environment and Planning; the County Comptroller; the Director of the Division of Budget, Management, and Finance; and the County Attorney.
 (5-0)

6. COMM. 7E-26 (2007)

COUNTY EXECUTIVE

WHEREAS, the New York State Department of Economic Development (NYSDED) provides grant assistance to implement pollution prevention technical assistance initiatives; and

WHEREAS, the NYSDDED solicited a proposal from Erie County Department of Environment and Planning (DEP) for participation in the Pollution Prevention Technical Assistance Program; and

WHEREAS, such a proposal was submitted to and approved by NYSDDED in March of 2003; and

WHEREAS, through Legislative resolution (Comm. 18E-9) dated November 13, 2003, Erie County accepted from NYSDDED a total of \$195,369 in grant resources to conduct a Pollution Prevention Program; and

WHEREAS, through that same Legislative resolution the sum of \$25,000 was transferred from the Regionalism/Economic Fund (DAC 110 9043038301299) to Account 886-6209, Interfund Subsidies, in the budget of the DEP to be used as the required local match; and

WHEREAS, the DEP is successfully implementing this project; and

WHEREAS, the current budget requires revision to maintain program continuity and allow the County to most efficiently utilize the remaining grant resources.

NOW, THEREFORE BE IT

RESOLVED, that the grant budget for the Erie County Pollution Prevention Technical Assistance Program (162PP_ASSIST0406) will be revised as follows:

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
500000	Salaries	\$164,010	(\$12,056)	\$151,954
502000	Fringe Benefits	49,343	12,954	62,297
505000	Office Supplies	250	(107)	143
510000	Local Mileage Reimbursement	1,286	----	1,286

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510100	Out of Area Travel	30	----	30
516020	Professional Services	4,773	(791)	3,982
530000	Other Expenses	<u>677</u>	----	<u>677</u>
TOTAL APPROPRIATIONS:		\$220,369		\$220,369

and be it further

RESOLVED, that the Director of Budget, Management, and Finance is hereby authorized to implement any budget adjustments as required to comply with Federal and State funding requirements, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget, Management and Finance; Andrew M. Eszak, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.
 (5-0)

THOMAS A. LOUGHRAN
CHAIRMAN

LEGISLATOR RESOLUTIONS

Item 38 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 114

RE: Appointment to the Erie County Fisheries
 Advisory Board (INTRO 8-1)

A RESOLUTION SUBMITTED BY
 LEGISLATORS MILLS, RANZENHOFER, & WEINSTEIN

WHEREAS, the Erie County Legislature has received notice that legislative action is warranted for an appointment to the Erie County Fisheries Advisory Board; and

WHEREAS, the proper functioning of the Fisheries Advisory Board on behalf of and directly for the County of Erie is necessary for the operation of many services and programs; and

WHEREAS, pursuant to Erie County Local Law 2 – 1997, Section 1, §9.07 “there shall be within the department a fisheries advisory board, consisting of twelve members. The County Executive shall make the appointments for eight positions, the Chairman of the Erie County Legislature shall make the appointment for one position, the enrolled members of each of the two political parties which have the greatest number of members seated in the Erie County Legislature shall by majority vote make the appointment each for one position, and the Chairman of the Energy

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& Environment Committee shall make the appointment for one member, and all such appointments shall be subject to confirmation by the Erie County Legislature;” and

WHEREAS, the Republican Party has the second greatest number of Legislators out of the two political parties having representatives in the Legislature making their members the Minority Caucus; and

WHEREAS, The Minority Caucus has been informed by the Chairman of the Erie County Fisheries Advisory Board that within their ranks a vacancy exists; and

WHEREAS, this vacancy is to be filled by a candidate sponsored by the Minority Caucus that is confirmed by the majority of the Legislature.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby appoint Mr. Ronald P. Smith, of 26 Hillsboro Drive, Orchard Park, New York 14127, to serve a term of three years on the Erie County Fisheries Advisory Board; and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to the members of the Fisheries Advisor Board and Mr. Ronald P. Smith.

Item 39 - CHAIRPERSON MARINELLI directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 8-2 from LEGISLATOR IANNELLO Re: Resolution Responding to Riverview Heights Residents Regarding Town of Tonawanda Landfill

Item 40 - CHAIRPERSON MARINELLI directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 8-3 from IANNELLO & KONST Re: Capping the Use of 2006 Budget Surplus from Further Expenditure in 2007

Item 41 - CHAIRPERSON MARINELLI directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 8-4 from LEGISLATOR WHYTE Re: Support for Reform of Industrial Development Agencies

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Item 42 - CHAIRPERSON MARINELLI directed that the following resolution be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

INTRO 8-5 from KONST & IANNELLO Re: Auditing and Determining Best Practices for the Buffalo Niagara Convention & Visitors Bureau in Preparation for Increasing the Bed Tax Allocation

Item 43 – MR. MILLS presented the following resolution and moved for immediate consideration and approval. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 115

RE: Requesting Support for State and Federal
 Delegation for Roycroft Campus Improvements
 (INTRO 8-6)

**A RESOLUTION SUBMITTED BY
 LEGISLATOR JOHN J. MILLS**

WHEREAS, the newly formed Roycroft Campus Corporation (RCC) has embarked on the acquisition and restoration of the unique Roycroft Campus properties and the RCC's ultimate goal is to bring back to life the Roycroft community and ideals by re-introducing working artisans on the Campus, developing comprehensive, compelling and multi-faceted interpretative and educational programming; encouraging the development of a center for creativity and innovation in the decorative arts, fine arts and literature; and most importantly, by restoring this important economic development project as a functioning business as well as creating a financially sustainable operation; and

WHEREAS, the Roycroft Campus was designated as a National Historic Landmark in 1986 and it is the best preserved and most complete complex of buildings remaining in the United States of the "guilds" that evolved as centers of craftsmanship and philosophy and the campus is the original and only authentic Arts and Crafts community in the United States; and

WHEREAS, the RCC's vision is to re-create the East Aurora campus and develop educational and programming interpretation as if the internationally recognized Elbert Hubbard and the Roycrofters never left the Roycroft Campus; and

WHEREAS, in the 1980's the Roycrofters were the vanguard of the creation of the uniquely American "Arts and Crafts" style, a decorative arts design that emphasizes space, clean lines and simplicity of design; and

WHEREAS, the Campus contains 14 structures including the Roycroft Inn, the Power House, the Copper Shop, the Chapel, the Print Shop, and the Furniture Shop, to name a few; and

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WHEREAS, the Campus began to fall into disrepair over time and by 1989, was placed by the National Trust for Historic Preservation on its *11 Most Endangered Places* list of historic properties that are severely at risk; and

WHEREAS, the Campus has continued to deteriorate significantly since that time and over the last two decades, the Power House has been reduced to a ruin, large portions of the Furniture Shop and the Garages have been lost, and historic features of other buildings have been removed or compromised and the threat to the historic integrity of the Campus as a whole is real and imminent; and

WHEREAS, the historic Power House was built with rusticated concrete blocks and half-timbering and stucco in 1910 and was the last major building added to the Roycroft Campus; and

WHEREAS, the Power House contained three coal-fired steam generators and provided electricity and heat to the Roycroft buildings in an underground system and the west end of the structure included a massive, square brick chimney centered on the façade, which extended to a height of 83 feet; and

WHEREAS, in February 1997, the Power House was virtually destroyed by a fire and in 2004, the building suffered additional losses and the extreme wind and winter conditions caused two exterior walls to collapse; and

WHEREAS, the RCC subsequently purchased the Power House in 2005 for \$225,000; the RCC has recently completed an extensive Historic Structures Report which recommended that the RCC rebuild the historically significant Power House to the way it looked when originally built; and

WHEREAS, the preliminary plans for the building include public spaces, event and festival space, artisan and classroom space, a gift shop area, and smaller meeting/office rooms, as well as potential gallery space for a number of exhibits by various Roycrofters which would feature the distinctive and geometric decorative arts design that has become known as the “Arts and Crafts” movement; and

WHEREAS, restoration of the Power House will enhance the RCC’s efforts to preserve, interpret and greatly enhance public access to, and understanding of, a historic place that was the creative center of an influential cultural and artistic movement that swept the country in the late 1880’s and still resounds today; and

WHEREAS, the Campus will also serve as a Village Square, providing much needed green space for passive recreational opportunities and the restoration of the Power House will also enable the RCC to continue adaptive re-use of this historic structure for a wide-range of community purposes.

NOW, THEREFORE, BE IT

RESOLVED, that the Members of the Erie County Legislature do hereby strongly urge the members of the Western New York Congressional Delegation and the members of the New York State Assembly and Senate Delegation, as well as New York State Governor Eliot Spitzer to fund

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and actively support the Roycroft Campus Corporation's pending requests for \$500,000 in federal funds and \$500,000 in state funds towards the \$2.5 million restoration and reconstruction of the historic Power House; and be it further

RESOLVED, that a certified copy of this Resolution shall be forwarded to each member of the Western New York Congressional Delegation and the New York State Assembly and Senate Delegation, as well as New York State Governor Eliot Spitzer.

Item 44 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 116

RE: Seeking Opinion of NYS Comptroller
 Regarding ECFSA Borrowing (INTRO 8-7)

A RESOLUTION SUBMITTED BY
LEGISLATORS MARINELLI, WHYTE, MILLS,
MILLER-WILLIAMS, KONST, GRANT, LOCKLEAR,
IANNELLO AND LOUGHRAN

WHEREAS, the Erie County Legislature initiated a request to the Office of the State Comptroller to intercede in the budget crisis of 2005, which led to the establishment of the Erie County Fiscal Stability Authority; and

WHEREAS, the current Erie County Fiscal Stability Authority is seeking a response from County elected officials regarding having the ECFSA refinance existing County debt and issue future debt; and

WHEREAS, the ECFSA contends its responsibility for managing borrowing would save millions of dollars; and

WHEREAS, action by local elected officials would be required to allow the ECFSA to assume borrowing obligations.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby requests the opinion of the State Comptroller's Office regarding whether or not the Erie County Fiscal Stability Authority's refinancing of County debt and issuing further debt would be in the best interest of County taxpayers, and what the long-term fiscal and ECFSA control implications will be once the ECFSA assumes borrowing responsibilities; and be it further

RESOLVED, that the Clerk of the Erie County Legislature is directed to forward certified copies of this resolution to the Office of the New York State Comptroller.

MS. WHYTE moved to amend the item for Et Al Sponsorship. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the item as amended. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 45 – MS. WHYTE moved to discharge the HEALTH COMMITTEE from further consideration of COMM. 3E-31. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 117

RE: Health - Pandemic Influenza Public Health
Planning & Response

WHEREAS, Pandemic influenza occurs when a novel influenza virus appears that causes readily transmissible human illness against which most of the population lacks immunity. By definition, a pandemic flu event would create a disaster at the international, national, state, and local level. Therefore, no amount of preplanning and other preparatory actions will eliminate all mortality, morbidity, and other societal losses. However, reasonable allocation of resources may greatly help minimize risk to the public's health, safety and well being, and

WHEREAS, the following are generally accepted planning assumptions:

- Influenza pandemics are expected but arrive with very little warning.
- Outbreaks can be expected to occur simultaneously throughout much of the U.S., preventing sharing of human and material resources that usually occur in the response to other disasters. With the exception of vaccines and medications, which the CDC and New York State Department of Health will control, and will likely be in very limited quantities, localities should be prepared to rely on their own resources to respond. The effect of pandemic influenza on individual communities will be relatively prolonged (weeks to months) in comparison to disasters of shorter duration.
- Because of widespread susceptibility to a pandemic influenza strain, the number of persons affected will be high. In a pandemic of a moderate influenza strain, it is estimated that as many as 270,000 (30%) Erie County residents would become ill during a 4 – 8 week period. This could result in 627 deaths. If the outbreak is of a severe strain such as the 1918 pandemic, these numbers would be significantly higher with as many as 6,709 deaths. These figures do not reflect the huge numbers of worried well who will seek medical care.
- Health care workers and other first responders will be at higher risk of exposure and illness than the general population, further straining the health care system.
- Effective preventive and therapeutic measures, including vaccine and antiviral agents, are likely to be delayed and in short supply.

- Widespread illness, the worried well and the necessity of caring for the ill in the community could result in sudden and potentially significant shortages of personnel in other sectors that provide critical public safety services, as well as services to meet all other human needs (e.g., food, shelter, utilities).
- Hospitals will quickly be overwhelmed. The double burden of a massive increase in patient demand and decrease in available staff will push the health care system to the breaking point. Evaluation of many worried well will likely further compound this problem. Medical rationing and altered standards of care will need to be controlled on the federal, state and county levels.

WHEREAS, although resources to enhance our (collective) ability to respond to a pandemic flu or similar event are not limitless, additional resources will greatly enhance our capabilities in the event of pandemic flu, and will also bolster our core public health functions throughout the year, and

WHEREAS, the following resources are needed:

A. P. H. Lab, Epi and Environmental Health Division

1. **Laboratory Supplies:** to purchase consumables including:
 - Laboratory reagents
 - Primers, probes, master mix (molecular tools)
 - Specimen collection devices
 - Packing and shipping materials
 - Detection kits
 - **Cost: \$97,291**
2. **Personal Protective Equipment:** to protect staff/employees from exposure to infectious, hazardous, toxic materials (i.e. long-sleeved gowns, eye protection, disinfecting solutions)
 - **Cost: \$3,000**
3. **Biohazard Supplies:** for safe and proper disposal of contaminated materials (i.e. biohazard equipment, sharps containers)
 - **Cost: \$20,000**
4. **Communications/Computer Equipment:** to maintain connectivity to public health organizations, clients, regulatory agencies, etc. for reporting, notification, information gathering, etc (5 air cards w/ monthly internet accounts, 3 laptop computers, etc).
 - **Cost: \$5,000**

B. Medical Examiner

1. **Personal Protective Equipment:** to protect staff/employees from exposure to infectious, hazardous, toxic materials (i.e. long-sleeved gowns, eye protection, disinfecting solutions)
 - **Cost: \$20,000**
2. **Body Bags:** 1,000 needed to process additional surge capacity.

- **Cost: \$25,600**

3. Autopsy Saws & Hoods: 3 autopsy saws with HEPA bone dust collectors and stands and 2 Luminar fume hoods are needed to upgrade office to protect workers.

- **Cost: \$27,278**

4. Verichip Identification System: In order to handle the additional deceased in an efficient manner it will be necessary to implant chips in the remains so that a positive identification system will be used. This will allow tracking of the remains without opening the body bags and will be needed so that families can relocate their loved ones to permanent internment sites.

- Scanners 3 @ \$650
- Camera packages 3 @ \$1,000
- Chips 2275 @ \$10
- **Cost: \$27,700**

C. EMS Division:

1. PPE stockpile: for individuals in quarantine and general public (800,000 masks).

- **Cost: \$72,576**

2. Training Material: to produce DVD and related training materials for volunteer fire companies and EMS squad train the-trainer-course in personal protective equipment.

- **Cost: \$1,555**

NOW, THEREFORE, BE IT

RESOLVED, that authorization is granted to make the following budgetary adjustments in the 2006 Budget, fund 110, in order to implement this request:

EXPENSE

Social Services Fund Center 120

Decrease Account 525000 MMIS-Medicaid Local Share	\$300,000
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Health Department

Public Health Laboratories Division Fund Center 12730

Increase Account 505200 – Clothing	\$ 3,000
Increase Account 505800 – Medical & Health Supplies	\$ 97,291
Increase Account 516020 – Contractual	\$ 20,000
Increase Account 561410 – Lab & Technical Equipment	\$ 5,000

Medical Examiner Division Fund Center 12740

Increase Account 505200 – Clothing	\$ 20,000
Increase Account 505800 – Medical & Health Supplies	\$ 25,600
Increase Account 561410 – Lab & Technical Equipment	\$ 54,978

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Emergency Medical Services Division Fund Center 12720

Increase Account 505800 – Medical & Health Supplies	\$ 72,576
Increase Account 510200 – Training & Educational	\$ 1,555
Net Change	0

and be it further

RESOLVED, that authorization be provided to reappropriate said 2006 funds within the Health Department into 2007 as required to facilitate this project, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.

MS. LOCKLEAR moved to approve the item. MR. MAZUR seconded. MR. RANZENHOFER voted in the negative.

CARRIED. (14-1)

Item 46 – MS. WHYTE moved to discharge the HUMAN SERVICES COMMITTEE from further consideration of COMM. 7E-18. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 118

RE: Social Services - Preventive Services
 Contracts Cost of Living Allowance

WHEREAS, the Department of Social Services has been notified by New York State of the approval of a plan to provide Cost of Living Allowance (COLA) payments in the total amount of \$95,313 to contracted providers of preventive services, and

WHEREAS, funds in the annualized amount of 2.8% for this COLA were provided in the 2006/2007 State budget for the period of expense of October 1, 2006 through March 31, 2007, and

WHEREAS, a survey of Erie County providers of Mandated Preventive Services and Community Optional Preventive Services was conducted and compiled for consideration by New York State Office of Children and Family Services, and

WHEREAS, funds are to be used by providers in a manner consistent with the attestation received from the Chief Executive Officer of each provider agency, and

WHEREAS, these funds are restricted by New York State for the purpose of awarding this COLA, and

WHEREAS, there is no local share and no fiscal impact to this resolution.

NOW, THEREFORE, BE IT

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RESOLVED, that the following budget amendments are hereby authorized in the 2007 Adopted Budget:

DEPARTMENT OF SOCIAL SERVICES, DEPARTMENT 120, FUND 110

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
516010	Community Agencies	\$95,313
	Total Expenditure	\$95,313
407650	State Aid Child Welfare Services	\$95,313
	Total Revenue	\$95,313

and be it further

RESOLVED, that the State budget for the period April 1, 2007 through March 31, 2008 as well as future years will likely contain a similar provision for a restricted preventive services COLA, the Department is authorized to make future year payments to providers based on required survey, provider attestation and State approval, and be it further

RESOLVED, that the County Executive and the Commissioner of Social Services are authorized to execute necessary contracts and/or agreements for this program, and be it further

RESOLVED, that payments are to be made to the following providers for a six-month COLA calculated based on the amount of the 2006 contract:

BAKER VICTORY SERVICES	14,558
BE A FRIEND PROGRAM	825
BELLE CENTER	1,250
BENNETT SMITH	1,875
HISPANICS UNITED	1,250
BUFFALO URBAN LEAGUE	12,905
CATHOLIC CHARITIES	26,962
CHILD & ADOLESCENT TREATMENT	5,924
CHILD & FAMILY SERVICES	5,626
COMMUNITY ACTION ORGANIZATION	1,000
COMMUNITY SERVICES DEV DISAB	1,625
GATEWAY LONGVIEW	6,080
JOAN A MALE	9,681
LIFE TRANSITIONS CENTER	1,050
SALVATION ARMY	2,396
WNY UNITED	1,485

YWCA OF WNY	821
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and be it further

RESOLVED, due to the immediate need to make payments and submit claims for reimbursement to New York State, the requirement for Request for Proposals is waived, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of the Department of Social Services, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance.

MS. WHYTE moved to approve the item. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

Item 47 – MS. WHYTE moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of COMM. 7E-27. MR. REYNOLDS seconded. MS. IANNELLO, MR. RANZENHOFER, MS. KONST and MR. WEINSTEIN voted in the negative.

CARRIED.

RESOLUTION NO. 119

RE: 2007 Bond Resolution for ECC

RESOLUTION NO. 119-2007

BOND RESOLUTION DATED APRIL 19, 2007

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING CONSTRUCTION OF A NEW ACADEMIC BUILDING AT THE ERIE COMMUNITY COLLEGE CITY CAMPUS AND VARIOUS IMPROVEMENTS AT ERIE COMMUNITY COLLEGE NORTH AND SOUTH CAMPUSES, STATING THE ESTIMATED TOTAL COST THEREOF IS \$44,000,000, APPROPRIATING SAID AMOUNT THEREFOR, AUTHORIZING THE ISSUANCE OF \$20,000,000 BONDS OF THE COUNTY TO PAY A PORTION OF THE COST THEREOF AND THE APPLICATION OF \$24,000,000 EXPECTED TO BE RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST THEREOF OR REDEMPTION OF THE BONDS ISSUED

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THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS.

(Introduced) April 3, 2007

(Adopted) April 19, 2007

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. The County of Erie, New York (herein called "County") is hereby authorized to finance the cost of (a) the construction of a new Academic Building at the Erie Community College City Campus, including six hundred spaces of structured parking, original furnishings, equipment, machinery, apparatus and ancillary or related site, demolition and other work required in connection therewith, at the estimated maximum cost of \$38,000,000; and (b) the construction of various improvements at the Erie Community College North and South Campuses in accordance with the 2007 ECC capital projects approved by the ECC Board of Trustees, at the estimated maximum cost of \$6,000,000; all as more fully described in the duly adopted 2007 Capital Budget for the County. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2007 Capital Budget of the County, such Budget shall be deemed and is hereby amended. The total estimated maximum cost of said objects or purposes, including preliminary costs and costs incidental thereto and to the financing thereof, is \$44,000,000, and said amount is hereby appropriated therefor pursuant to the duly adopted Capital Budget of said County for fiscal year 2007. The plan of financing includes the issuance of \$20,000,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, the levy of a tax to pay the principal of and interest on said bonds and notes and application of \$24,000,000 expected to be received from the United States of America and/or State of New York to be expended

towards the cost thereof or redemption of the bonds or notes issued therefor or to be budgeted as an offset to the taxes for the payment of principal of and interest on said bonds or notes.

Section 2. Bonds of the County in the respective principal amounts of \$17,000,000 and \$3,000,000 are hereby authorized to be issued for the objects or purposes described in Section 1(a) and Section 1(b) hereof, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance a portion of said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The building to be constructed will be of Class "A" construction as defined by Section 11.00 a. 11. (a) of the Law, and the period of probable usefulness for the specific object or purpose for which said \$17,000,000 bonds herein authorized in Section 2 to be issued is thirty (30) years.

(b) The period of probable usefulness applicable for the objects or purposes for which said \$3,000,000 bonds herein authorized in Section 2, within the limitations of Section 11.00 a. 91 of the Law, is fifteen (15) years.

Section 4. The County intends to finance and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the objects or purposes described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the maximum amount of bonds herein authorized. This Resolution is

a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of this Resolution or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

MR. REYNOLDS moved to approve the item. MS. WHYTE seconded.

CHAIRPERSON MARINELLI directed that a roll-call vote be taken.

AYES: MILLS, GRANT, KENNEDY, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, MILLER-WILLIAMS, REYNOLDS and WHYTE. NOES: RANZENHOFER, WEINSTEIN, IANNELLO, KONST. (AYES: 11; NOES: 4)

CARRIED.

Item 48 – MS. WHYTE moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of COMM. 3E-40. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 120

RE: Erie County 2007 Consolidated Bond Resolution

RESOLUTION NO. 120-2007

BOND RESOLUTION DATED APRIL 19, 2007

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS

CAPITAL PROJECTS INCLUDED IN THE 2007 CAPITAL BUDGET OF THE COUNTY,

STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS \$75,606,700,

APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF

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\$51,471,700 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID AND THE EXPENDITURE OF \$1,200,000 IN COUNTY CURRENT FUNDS AVAILABLE OR TO BE AVAILABLE, AND AUTHORIZING THE ISSUANCE OF \$22,935,000 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS.

(Introduced) January 30, 2007

(Adopted) April 19, 2007

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. The County of Erie, New York (herein called "County"), is hereby authorized to undertake the various capital projects as described in column A of the attached schedule, each as more fully described in column G of the attached schedule and the duly adopted 2007 Capital Budget for the County. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2007 Capital Budget of the County, such Budget shall be deemed and is hereby amended. For each of the specific objects or purposes and classes of objects or purposes, as specified in column A-1 of the attached schedule, the respective estimated maximum costs, including preliminary costs and costs incidental thereto and to the financing

thereof, are set forth in column B of the attached schedule, and said respective amounts are hereby appropriated therefor pursuant to the duly adopted 2007 Capital Budget for the County. The plan of financing includes the expenditure of \$51,471,700 in State and Federal aid expected to be received, the expenditure of \$1,200,000 County current funds available or to be available therefor, and the issuance of \$22,935,000 aggregate principal amount of bonds of the County to finance the balance of said appropriations, the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable. Any amounts received by the County from the United States of America and/or the State of New York are hereby authorized to be expended, towards the cost of the applicable specific objects or purposes or classes of objects or purposes or the redemption of any notes and bonds issued therefor or to be budgeted as an offset to the taxes for the repayment of the principal of and interest on said notes and bonds.

Section 2. Bonds of the County in the respective principal amounts set forth in column C of the attached schedule are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law") to finance said appropriations.

Section 3. The respective periods of probable usefulness for said specific objects or purposes and classes of objects or purposes for which said \$22,935,000 bonds herein authorized are to be issued, within the limitations of §11.00 a. of the Law, is set forth in column F of the attached schedule.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the respective specific objects or purposes and classes of objects or purposes described in Section 1 hereof, prior to

the issuance of the bonds or bond anticipation notes herein authorized, out of any available funds of the County on an interim basis, which respective amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County pursuant to this Resolution, in the respective maximum amounts of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §21.00 relative to the issuance of bonds having substantially level or declining annual debt service, §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said

bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

MR. REYNOLDS moved to approve the item. MR. KOZUB seconded.

CHAIRPERSON MARINELLI directed that a roll-call vote be taken.

AYES: MILLS, RANZENHOFER, WEINSTEIN, GRANT, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, MILLER-WILLIAMS, REYNOLDS and WHYTE. NOES: none.

CARRIED. (15-0)

SUSPENSION OF THE RULES

Item 49 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 8D-6 from the COUNTY ATTORNEY Re: Bulk Sale of Erie County Tax Liens - ECFSA Contract Approval - Purchase and Sale Agreement Dated as of 4/30/07

COMMUNICATIONS FROM ELECTED OFFICIALS

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FROM THE COUNTY EXECUTIVE

Item 50 – (COMM. 8E-1) Copy of Letter to ECFSA Chair Re: XSPAND Contract

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 51 – (COMM. 8E-2) Proposed Borrowings by ECFSA

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 52 – (COMM. 8E-3) AFSCME Fact-finding Report

Received and filed.

FROM LEGISLATOR MARINELLI

Item 53 – (COMM. 8E-4) Reappointment/Appointment of Commissioner to the ECWA

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

April 9, 2007

Honorable Timothy M. Kennedy
Chair, Economic Development Committee
Old County Hall
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

Dear Legislator Kennedy:

I am requesting your permission to be absent from the Legislative Sessions Economic Development Committee Meeting to be held on Thursday, April 12, 2007. Regrettably, I will be unable to attend this meeting due to a previous out-of-town conference. I am sorry for any inconvenience that this may cause my fellow Legislators.

Thank you for your time and consideration. Please let me know if you need any further information.

Sincerely,

Robert B. Reynolds

FROM LEGISLATOR MILLS

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Item 54 - (COMM. 8E-6) Minority Appointment to the Erie County Fisheries Advisory Board

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 55 – (COMM. 8E-7) Authorization to Accept a Grant Award From the NYS Division of Criminal Justice Services (DCFS) in the Amount of \$353,800 to Provide Enhanced Reintegration Services for Returning Offenders and Parolees in Erie County

Received and referred to the HEALTH COMMITTEE.

Item 56 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

RESOLUTION NO. 121

RE: Surplus Revenue - Road Repair Reserve Fund - Public Hearing Request (COMM. 8E-8)

WHEREAS, the Erie County Road Repair Reserve Fund has been established pursuant to Tax Law Section 1432 and General Municipal Law, Section 6-d, and

WHEREAS, the Road Repair Reserve Fund has \$1,350,000.00 available for repairs of roads and bridges in the County during 2007, and

WHEREAS, appropriations from the Road Repair Reserve Fund may be made only following public hearing.

NOW, THEREFORE, BE IT,

RESOLVED, that a Public Hearing be held by this Legislature on May 4, 2007 at 2:00 p.m., in the Legislative Chambers, 4th floor, of the Old County Hall, 92 Franklin Street, in the City of Buffalo, and be it further,

RESOLVED, that the subject of such public hearing shall be the appropriation of \$1,350,000.00 from the Erie County Road Repair Reserve Fund for road and bridge repairs, and be it further,

RESOLVED, that the Clerk of the Legislature is directed to publish a Notice of Public Hearing once in each of the official newspapers of the County, at least six days prior to the date of the Public Hearing, and be it further,

RESOLVED, that a certified copy of this resolution be forwarded to the Office of the County Executive; the Division of Budget, Management & Finance; the Department of Public Works, Commissioner's Office; the Department of Public Works Highways Division; the County Attorney; and the Office of the Comptroller.

MEETING NO. 8
APRIL 19, 2007

ERIE COUNTY LEGISLATURE

Item 57 – (COMM. 8E-9) Buffalo & Erie County Library - Main Branch - Construction Contingency Increase for Rare Book Room Expansion

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 58 – (COMM. 8E-10) Health - Medical Reserve Corps.

Item 59 – (COMM. 8E-11) Health - LEADSAFE Erie County 11/1/05 - 10/31/08

The above two items were received and referred to the HEALTH COMMITTEE.

Item 60 – (COMM. 8E-12) Social Services - Client Worksite Management Contract Authorization and Funds Transfer

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 61 – (COMM. 8E-13) DPW - Commissioner - Transfer of Funds

Item 62 – (COMM. 8E-14) DPW - Award of Engineering and Construction Services for Various Federally-Funded Road and Bridge Projects

The above two items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 63 – (COMM. 8E-15) Open Item - Sewer District Construction Contracts - Award of Contracts

Item 64 – (COMM. 8E-16) DEP - Erie County Clean Bus Initiative

Item 65 – (COMM. 8E-17) Sewerage Management - Public Education and Outreach Program – Presentation

The above three items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 66 – (COMM. 8E-18) Appointment to the Erie County Fire Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM PUBLIC ADVOCACY

Item 67 – (COMM. 8D-1) Director of Division on the Status of Women

Received, Filed and Printed.

MEETING NO. 8
APRIL 19, 2007

ERIE COUNTY LEGISLATURE

April 30, 2007

Mrs. Latricia Chisholm
 Commissioner on the Status of Women
 95 Franklin Street, 16th Floor
 Buffalo, New York 14202

RE: Director of Division on the Status of Women

Dear Mrs. Chisholm:

In accordance with the provisions of Article XI of the Erie County Charter, which became effective on January 1, 2007, I hereby appoint you as the Director of the Division of the Status of Women.

Sincerely,

JACQUELINE STOVER

FROM THE COUNTY ATTORNEY

Item 68 – (COMM. 8D-2) Receipt of Reception of Comm. 5M-9

Received and filed.

Item 69 – (COMM. 8D-3) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 70 – (COMM. 8D-4) Erie Canal Harbor Development Corporation

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE LEGISLATURE CHIEF OF STAFF

Item 71 – (COMM. 8D-5) Environmental Group Proposals

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM SHARON S. TOWNSEND, ADMINISTRATIVE JUDGE –
EIGHTH JUDICIAL DISTRICT

Item 72 – (COMM. 8M-1) Family Court Building

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

MEETING NO. 8
APRIL 19, 2007

ERIE COUNTY LEGISLATURE

FROM THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Item 73 – (COMM. 8M-2) Notice of Meeting Held 4/16/07

Received and filed.

FROM THE OFFICE OF THE NYS COMPTROLLER

Item 74 – (COMM. 8M-3) Draft Findings of Our Recent Examination of the Office of Public Administrator

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE NYS SENATOR MARY LOU RATH

Item 75 – (COMM. 8M-4) Receipt of Certified Resolution

Received and filed.

FROM THE TOWN OF HAMBURG

Item 76 – (COMM. 8M-5) Town of Hamburg Sewer Districts - Request for Consolidation of Sewer Services with ECSD No. 3

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM FRANK E. SWIATEK

Item 77 – (COMM. 8M-6) Request for Consideration for Reappointment as Commissioner of the Erie County Water Authority

Received and filed.

FROM CHIEF COURT ATTORNEY - ERIE COUNTY SURROGATE'S COURT

Item 78 – (COMM. 8M-7) Copy of Letter to Associate Examiner of Municipal Affairs, NYS Comptroller Re: Comm. 8M-3

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE TOWN OF ALABAMA

Item 79 – (COMM. 8M-8) Public Notice to be Held 5/3/07

Received and filed.

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ERIE COUNTY LEGISLATURE

FROM THE NEW YORK STATE ASSOCIATION OF COUNTIES

Item 80 – (COMM. 8M-9) 2007-08 Enacted State Budget Impact on County Government

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE NEWSTEAD TOWN BOARD

Item 81 – (COMM. 8M-10) Certified Resolutions - Support of Change in Assessment Calendar Dates & Akron Airport

Received and filed.

FROM CRAIG F. MARLATT

Item 82 – (COMM. 8M-11) Appointment as ECWA Commissioner for 2007-2010

Received and filed.

FROM THE ERIE COUNTY FISCAL STABILITY AUTHORITY

Item 83 – (COMM. 8M-12) Xspand Contract

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

MEMORIAL RESOLUTIONS

Item 84 – Legislator Marinelli and the Democratic Caucus requested that when the Legislature adjourns, it do so in memory of the Virginia Tech massacre.

Item 85 – Legislator Konst requested that when the Legislature adjourns, it do so in memory of Eric J. Weber.

Item 86 – Legislator Reynolds requested that when the Legislature adjourns, it do so in memory of Rocky Mirano.

Item 87 – Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of Jane F. “Pinky” Lewis.

Item 88 – Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of Joey Keane.

Item 89 – Legislator Whyte requested that when the Legislature adjourns, it do so in memory of the American Soldiers who passed in the Iraq War.

Item 90 – Legislator Grant requested that when the Legislature adjourns, it do so in memory of Joey Keane.

MEETING NO. 8
APRIL 19, 2007

ERIE COUNTY LEGISLATURE

ADJOURNMENT

Item 91 - At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MS. MILLER-WILLIAMS moved that the Legislature adjourn until Thursday, May 3, 2007 at 2 p.m. Eastern Standard Time. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, May 3, 2007 at 2 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE